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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Solely Relates To: *Al-Haramain Islamic Foundation et al. v. Bush*, *et al.* (07-CV-109-VRW)	)	No. M:06-CV-01791-VRW **DEFENDANTS' INDEX OF EXHIBITS FOR THE THIRD MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT IN *Al-Haramain Islamic Foundation et al. v. Bush et al.*** Date: December 2, 2008 Time: 10:00 a.m. Courtroom: 6, 17th Floor Honorable Vaughn R. Walker

Exhibit 1	—	Excerpts of Testimony at May 15, 2007 Hearing and Written Responses of James Comey, Deputy Attorney General (Referenced in Plaintiffs' FAC ¶ 19)
Exhibit 2	—	Excerpts of Testimony at July 26, 2007 Hearing of Robert Mueller, Director of the Federal Bureau of Investigation (Referenced in Plaintiffs' FAC ¶¶ 20, 29)
Exhibit 3	—	January 17, 2007 Letter of Attorney General Gonzales (Referenced in Plaintiffs' FAC ¶ 21)
Exhibit 4	—	Testimony at May 1, 2007 Hearing of J. Michael McConnell, Director of National Intelligence (Referenced in Plaintiffs' FAC ¶¶ 22, 48b)

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Exhibit 5	—	Testimony at August 1, 2002 Hearing of Kenneth Dam, Deputy Secretary of Treasury (Referenced in Plaintiffs' FAC ¶ 24)
Exhibit 6	—	Testimony at March 4, 2004 Hearing of Gary M. Bald, Acting Assistant Director of FBI Counterterrorism Division (Referenced in Plaintiffs' FAC ¶ 25)
Exhibit 7	—	Testimony at September 25, 2003 Hearing of John S. Pistole then FBI Counterterrorism Division Assistant Director (Referenced in Plaintiffs' FAC ¶ 27)
Exhibit 8	—	Testimony at June 16, 2004 Hearing of R. Richard Newcomb then Director of the Office of Foreign Assets Control (Referenced in Plaintiffs' FAC ¶ 28)
Exhibit 9	—	February 19, 2004, Press Release, Office of Foreign Assets Control (Referenced in Plaintiffs' FAC ¶ 30)
Exhibit 10	—	April 23, 2004, Letter from Office of Foreign Assets Control to Plaintiffs' Counsel (Referenced in Plaintiffs' FAC ¶ 36)
Exhibit 11	—	July 23, 2004, Letter from Office of Foreign Assets Control to Plaintiffs' Counsel (Referenced in Plaintiffs' FAC ¶ 37)
Exhibit 12	—	September 9, 2004, Press Release, Office of Foreign Assets Control (Referenced in Plaintiffs' FAC ¶ 38)
Exhibit 13	—	Speech at October 22, 2007 Conference of American Bankers Association by John S. Pistole, Deputy Director of FBI (Referenced in Plaintiffs' FAC ¶ 42)
Exhibit 14	—	February 6, 2008, Letter from Office of Foreign Assets Control to Plaintiffs' Counsel (Referenced in Plaintiffs' FAC ¶ 47)
Exhibit 15	—	Testimony at July 26, 2006 Hearing of Keith B. Alexander, Director of the National Security Agency and Michael Hayden, Director of the Central Intelligence Agency (Referenced in Plaintiffs' FAC ¶ 48a)
Exhibit 16	—	Statement at September 20, 2007 Hearing of J. Michael McConnell, Director of National Intelligence (Referenced in Plaintiffs' FAC ¶ 48c) (Transcript is at Exhibit 17, following Statement of Mr. Wainstein)
Exhibit 17	—	Statement and Testimony at September 20, 2007 Hearing of Kenneth Wainstein, Assistant Attorney General, National Security Division of the Department of Justice (Referenced in Plaintiffs' FAC ¶ 48d)
Exhibit 18	—	Excerpts of Transcript of July 12, 2006 Oral Argument in *ACLU v. NSA* (E.D. Mich.) (Referenced in Plaintiffs' FAC ¶ 49)
Exhibit 19	—	February 6, 2008, Memorandum of the Office of Foreign Assets Control (Referenced in Plaintiffs' FAC ¶ 51)